

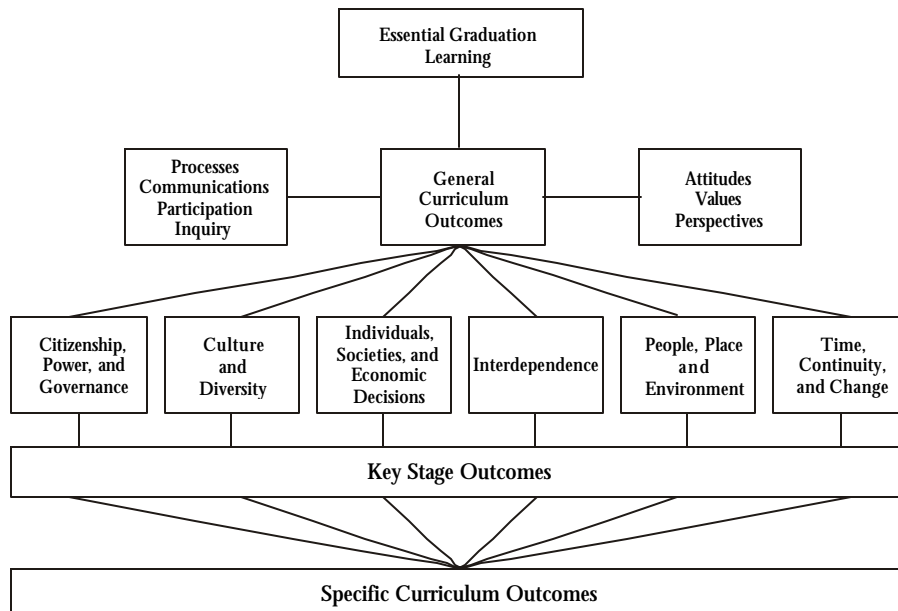
Section 2: Curriculum Design

The development of the *Canadian Law 2104 and 2204 Curriculum Guide* was guided by the *Atlantic Canada Framework for Essential Graduation Learnings* and the *Foundation for the Atlantic Canada Social Studies Curriculum* documents.

This section of the curriculum guide identifies the organizational structure and the major themes for Canadian Law 2104 and 2204. Specifically it provides examples of how this course contributes to the attainment of the essential graduation learnings and the conceptual strands of the general curriculum outcomes framework, and states the specific curriculum outcomes Canadian Law 2104 and 2204.

Overview

The chart below shows the relationship among the *Atlantic Canada Framework for Essential Graduation Learnings*, the *Foundation for the Atlantic Canada Social Studies Curriculum* and the specific curricula for Canadian Law 2104 and 2204. At the top of the chart are the Essential Graduation Learnings. Beneath them are found the various components of the Foundation for the Atlantic Canada Social Studies Curriculum: General Curriculum Outcomes; Processes; Attitudes, Values and Perspectives; conceptual strands; and Key Stage Curriculum Outcomes. The Canadian Law 2104 and 2204 curriculum is represented in the chart by the Specific Curriculum Outcomes, which are derived from and based on all the others.



Essential Graduation Learnings

The Atlantic Provinces worked together to identify the abilities and areas of knowledge that they considered essential for students graduating from high school. These are referred to as essential graduation learnings.

Following the statement of each essential graduation learning are examples of specific curriculum outcomes from Canadian Law 2104 and 2204 which demonstrate the alignment of the course outcomes with each essential graduation learning.

Aesthetic Expression

Graduates will be able to respond with critical awareness to various forms of the arts and be able to express themselves through the arts.

Legislation and judicial process interact with society to both reflect culture and in many ways to shape it. Aesthetic expression allows the student to examine and assess this interrelationship in a critical manner.

- Explain, using historical examples, why a law may be unjust. (1.5.1)
- Explain why society criminalizes certain behaviours. (2.1.1)
- Distinguish between intentional and unintentional torts. (3.2.2)
- Describe the evolution of attitudes toward the treatment of young offenders over the past century. (9.1.3)

Citizenship

Graduates will be able to assess social, cultural, economic and environmental interdependence in a local and global context.

A respect for and appreciation of the law is a central part of helping create responsible citizens. The learning of citizenship in Canadian Law 2104 and 2204 offers opportunity for students to assess critical legal and political issues.

- Apply the concepts and procedures of civil action to analyze, prosecute, litigate, and decide specific cases. (3.7.3)
- Explain why motor vehicle offences are considered crimes against a person. (4.3.1)
- Explain why certain rights are considered inalienable. (10.1.2)

Communication

Graduates will be able to use the listening, viewing, speaking, reading, and writing modes of languages as well as mathematical and scientific concepts and symbols to think, learn, and communicate effectively.

Central to the study of law is the ability to communicate effectively both in written and oral forms.

- Develop a statement of claim for a civil action. (3.7.1)
- Explain the necessity of the claim of malicious prosecution. (5.2.2)

- Classify given situations as either public or private nuisance. (5.3.6)
- Describe the types of impressions that may be used as part of a forensic investigation. (6.3.1)

Personal Development

Graduates will be able to continue to learn and to pursue an active, healthy lifestyle.

Personal development requires that individuals have a clearly developed sense of their own identities and are able to relate to their social context. This includes the ability to examine ethical issues and make decisions based on articulated values.

- Explain the need for and purposes of law. (1.1.1)
- Explain why it is importance to protecting individuals' right to privacy. (5.2.4)
- Explain the need for additional rights to protect young people beyond those provided for in the *Charter*. (9.2.2)
- Apply the principles of the *NL Human Rights Code* to decide specific cases. (10.3.7)

Problem Solving

Graduates will be able to use the strategies and processes needed to solve a wide variety of problems, including those requiring language, mathematical, and scientific concepts.

The field of law is preoccupied with analyzing societal interactions with the intent to restoring a sense of harmony and justice in the community.

- Evaluate the appropriateness of criminalizing certain acts or omissions. (2.1.4)
- Apply the principles of *mens rea* and *actus reus* to analyze specific cases related to trafficking and possession for the purpose of trafficking. (4.5.5)
- Analyze specific situations to determine if defamation has occurred. (5.2.6)
- Analyze the chain of custody of evidence to determine if it has been contaminated. (6.2.3)
- Apply a remedy to settle a breach of contract. (7.4.4)

Technological Competence

Graduates will be able to use a variety of technologies, demonstrate an understanding of technological applications, and apply appropriate technologies for solving problems.

The introduction of new technologies create interesting legal questions and lead to the modification or development of legislation. Additionally the field of police forensics has improved

the reliability of evidence used in judicial proceedings, helping to ensure that justice prevails.

- Assess how the significance of section 7 of the *Charter* will result in continued evolution of Canadian law. (1.6.3)
- Describe the types of impressions that may be used as part of a forensic investigation. (6.3.1)
- Demonstrate how DNA profiling is used in police investigations. (6.3.3)

Spiritual and Moral Development

Graduates will demonstrate an understanding and appreciation for the place of belief systems in shaping the development of moral values and ethical conduct.

The laws of Newfoundland and Labrador, as well as those of Canada, reflect to various degrees a sense of both traditional values and emerging understandings as to the nature of morality and ethics. This curriculum guide provides opportunity to explore some of these issues and how they influence the application of law in Canada.

- Distinguish between the concepts of law, morality and justice. (1.1.2)
- Explain, using historical examples, why a law may be unjust. (1.5.1)
- Explain the need for the protection of human rights at the federal level. (1.6.1)
- Evaluate the appropriateness of criminalizing certain acts or omissions. (2.1.4)
- Identify some of the influences that may lead a young person to commit a criminal action. (9.1.1)
- Identify the fundamental freedoms as outlined in the *Canadian Charter of Rights and Freedoms*. (10.2.3)

General Curriculum Outcomes

Conceptual Strands

The general curriculum outcomes (GCOs) for the social studies curriculum, as stated in the *Foundation for the Atlantic Canada Social Studies Curriculum*, are organized around six conceptual strands. These general curriculum outcomes statements identify what students are expected to know and be able to do upon completion of study in social studies.

Following the statement of each of the conceptual strands, examples of specific curriculum outcomes from Canadian Law 2104 and 2204 are provided to demonstrate the alignment of the course outcomes with each conceptual strand.

Citizenship, Power, and Governance

Students will be expected to demonstrate an understanding of the rights and responsibilities of citizenship and the origins, functions, and sources of power, authority, and governance.

- Explain the need for and purposes of law. (1.1.1)
- Identify the powers of the three branches of government. (1.4.1)
- Describe the development of the concept of liberty in western democratic society through the use of historical documents. (1.5.2)

Culture and Diversity

Students will be expected to demonstrate an understanding of culture, diversity, and world view, recognizing the similarities and differences reflected in various personal, cultural, racial, and ethnic perspectives.

- Identify the rights afforded by the Charter. (1.6.2)
- Explain why there are various living arrangements that can be described as a family. (8.1.6)
- Assess the appropriateness of treating young offenders differently than adult offenders. (9.1.8)

Interdependence

Students will be expected to demonstrate an understanding of the interdependent relationship among individuals, societies, and the environment - locally, nationally, and globally - and the implications for a sustainable future.

- Evaluate the appropriateness of criminalizing certain acts or omissions. (2.1.4)
- Explain why some actions may not be considered a public nuisance in relation to sections 1 and 2 of the *Charter*. (5.3.7)
- Explain the need for contractual agreements. (7.1.1)

Individuals, Societies, and Economic Decisions

Students will be expected to demonstrate the ability to make responsible economic decisions as individuals and as members of society.

- Describe the remedies available for both buyers' and sellers' involved in sale of goods. (7.4.5)
- Identify the principles associated with determining child support. (8.2.6)
- Explain the conditions under which apparent discrimination is justified as legal. (10.2.6)
- Evaluate the impact of a poisoned environment on workers' rights. (10.3.6)

People, Place, and Environment

Students will be expected to demonstrate an understanding of the interactions among people, places, and the environment.

- Explain how the concepts of justice in Canadian law has been influenced as it evolved as a part British law. (1.2.2)
- Identify the purpose of tort law. (3.1.2)
- Explain why certain rights are considered inalienable. (10.1.2)

Time, Continuity, and Change

Students will be expected to demonstrate an understanding of the past and how it affects the present and the future.

- Describe the historical evolution of law. (1.1.3)
- Describe the development of the concept of liberty in western democratic society through the use of historical documents. (1.5.2)
- Assess how the significance of section 7 of the *Charter* will result in continued evolution of Canadian law. (1.6.3)

General Curriculum Outcomes for Canadian Law 2104 and 2204

General Curriculum Outcomes (GCOs) are statements articulating what students are expected to know and be able to do in particular subject areas by the end of their period of study. These outcome statements describe in broad terms what understandings (knowledge), competencies (skills) and dispositions (attitudes) students are expected to demonstrate as a result of their cumulative learning experiences. Through the achievement of these curriculum outcomes, students demonstrate the essential graduation learnings. The following are the general curriculum outcomes for Canadian Law 2104 and 2204:

Understandings

Students will be expected to demonstrate an understanding that:

- law is an essential part of maintaining order in society
- Canadian law has been shaped by the long evolution of western liberal democratic philosophy

- legislation, and decisions by the judiciary, are sometimes flawed and should therefore be carefully examined to ensure that justice is being served
- the principles of the rule of law, precedent, due process, and equity are essential in creating a just society
- an independent and impartial judiciary helps promote individual liberty
- justifies the need for each member of Canadian society to possess inalienable rights
- Canada's judicial system is adversarial in nature, thus predicated in the assumption of the innocence of the accused
- criminal behaviour negatively influences society as a whole
- the criminal justice system seeks to restore a sense of harmony in society, with restitution as one of its primary goals
- civil litigation contributes to the maintenance of justice in society
- the powers of the state and its agents are limited to minimize the potential for the abuse of authority
- the neighbour principle forms the basis of much consumer legislation
- the family unit, a fundamental building block of Canadian society, has special legislation governing it
- children and young people are afforded special protection by the state
- *Charter* rights have a significant influence on legislators and the judiciary
- the treatment of native peoples in Canadian society is undergoing significant transformation in terms of both legislation and judicial interpretation

Competencies

Students will be expected to demonstrate competencies in:

- distinguishing between legislative, legal and moral issues
- identifying laws/situations that are inconsistent with the basic principles of freedom and justice in Canadian society
- applying *Charter* principles to remedy issues of human rights violations
- evaluating the impact of criminalizing certain acts or omissions
- analyzing criminal actions by identifying *mens rea* and *actus reus*
- applying the concepts and procedures of criminal and civil law to analyze, prosecute/litigate, defend, and decide specific cases
- generate alternative settlements for civil actions outside of court
- applying principles of aboriginal restorative justice to decided specific cases

Dispositions

Students will be expected to demonstrate an appreciation for:

- the evolution of the concept of individual liberty
- the fundamental principles of justice
- the need to protect basic human rights as an integral part of protecting the principles of liberal democratic society
- the role of each participant in the judicial process in promoting a just society
- the place of the *Charter* and Supreme Court of Canada in protecting citizens' rights and freedoms
- legislation that offers protection to traditionally disadvantaged groups in order to promote the principles of fairness and equity
- the contribution of all cultural groups in a pluralistic society
- the need for all citizens to actively participate in the maintenance and promotion a just and harmonious society

Organization and Planning

Course Organization

Canadian Law 2104 is a one credit course that is designed for a minimum of 55 hours of instructional time.

Canadian Law 2204 is a two credit course that is designed for a minimum of 110 hours of instructional time.

Each unit is presented in a four column layout that includes the specific curriculum outcomes, sample teaching and learning strategies, sample assessment strategies and sample educational resources. In addition, the guide includes an appendix which provides a list of the outcomes and delineations for quick reference to the course content.

The curriculum guide for this course includes four columns for several reasons:

- to illustrate how learning experiences flow from the outcomes;
- to illustrate the range of strategies for teaching and learning associated with specific outcomes;
- to demonstrate the relationship between outcomes and assessment strategies; and
- to provide suggestions for supplementary resources and other contacts teachers can use in connection with the outcomes.

The overall organization of Canadian Law 2104 and 2204 is outlined below.

Canadian Law 2104 is comprised of Units 1 through 3, which serve as an introduction to the basic concepts of law.

Section 1

Unit 1 – Foundations of Law in Canada (15%)

Unit 2 – Criminal Law and the Trial Process (20%)

Unit 3 – Civil Law and Civil Procedures (15%)

Canadian Law 2204 includes all of Units 1 through 3 noted above in Section One, and adds three additional units from Section Two. There is a provision for some choice in Section Two in order to allow teachers to focus their study of law to meet the needs and interests of their students.

Section 2

Do either unit 4 or 5 (20 %)

Unit 4 – Specific Criminal Offences

Unit 5 – Specific Applications of Civil Law

and

Do any two (2) other units from the following (15% each; 30% total)

Unit 6 – Investigation and Arrest

Unit 7 – Contract Law

Unit 8 – Family Law

Unit 9 – Young People and the Law

Unit 10 – Human Rights Law

Unit 11 – Aboriginal Law

Instructional Planning

In planning and organizing this course, the understandings, competencies and dispositions that comprise the general curriculum outcomes for Canadian Law 2104 and 2204 create a broad framework.

The general curriculum outcomes are achieved through the specific curriculum outcomes (SCOs). Within the context of the choice of units completed for Canadian Law 2204, it is expected that all SCOs for each unit selected will be completed.

In planning instruction for Canadian Law 2104 and 2204 it is important to select teaching and learning strategies that are most appropriate for helping students achieve the specific curriculum outcomes. Instructional strategies should be balanced in emphasis among the knowledge, application and integration domains, as noted in the Table of Specifications.

Critical to instructional planning is the alignment of assessment within the areas of knowing, applying and integrating. The relative emphasis of the three cognitive areas must be reflected in the evaluation of students' work. To help achieve this planning a Table of Specifications is provided.

Table of Specifications

In planning instruction and assessment the following table should be used as a guide. It is important to note that the overall emphasis at the knowledge level is 35%. Thus the primary focus of Canadian Law 2104 and 2204 is at the application and integration levels.

	Thinking Competencies			Total
	Knowledge	Application	Integration	
Section One				
Unit 1 Foundations of Law in Canada	5.3%	6.4%	3.2%	14.9%
Unit 2 Criminal Law and the Trial Process	6.9%	8.5%	4.8%	20.2%
Unit 3 Civil Law and Civil Procedures	5.3%	6.4%	3.2%	14.9%
Section Two				
Unit 4 or 5 Specific Criminal or Specific Civil	6.7%	8.5%	4.8%	20.2%
Optional Unit #1 Taken from Units 6-11	5.3%	6.4%	3.2%	14.9%
Optional Unit #2 Taken from Units 6-11	5.3%	6.4%	3.2%	14.9%
Totals	35.1%	42.6%	22.3%	100%

Instructional Pacing

The Table of Specifications is an essential reference not only for designing assessment and the construction of tests and exams, but also for guiding course planning and class instruction.

Teachers should use the total for each unit as a guide to determine the amount of instructional time devoted to each unit. In the context of 110 instructional hours per two credit course (55 hours for a one credit course) the following chart is provided, noting the number of hours that should be allotted for each unit:

Semester 1		Semester 2	
Canadian Law 2104 and Canadian Law 2204		Canadian Law 2204 only	
Unit 1 Foundations of Law in Canada	16 hours	Unit 4 or 5 Specific Criminal or Specific Civil	22 hours
Unit 1 Criminal Law and Trials	22 hours	Optional Unit #1 Taken from Units 6-11	16 hours
Unit 3 Civil Law and Civil Procedures	16 hours	Optional Unit #2 Taken from Units 6-11	16 hours

Finally, teachers should note the relative emphasis for knowledge, application and integration delineations. Application and integration accounts for 65% of instructional emphasis.

The intent of this course is for students to apply their understanding of the basic concepts of law. In this context teachers may expect students to have a thorough knowledge of the key concepts in each unit. However, as students examine more detailed legislation teachers may choose to provide students with excerpts of appropriate legislation during assessment activities; the intent of these delineations is not to have students memorize sections of legislation.

Reference Resources

Blair, A., Costiniuk, W., O'Malley, L., & Wasserman, A. (2003). *Law in Action: Understanding Canadian Law*. Toronto: Prentice Hall.

Support materials include:

- A course web site at <http://www.pearsoned.ca/school/secondary/law/>
- A teacher resource, which includes: (1) a CD with PowerPoint slides of text diagrams and (2) an audio dramatization of the Stephen Truscott case.

- A test bank is available directly from the publisher but is not included as a part of the resource package from the LRDC.

Blair, A., Ryan-Elliott, K., Manning, B., & Mossuto, M. (2004). *Canadian and International Law*. Toronto: Oxford University Press.

Gibson, D. L., Murphy, T. G., Jarman, F. E. & Grant, D. (2003). *All About Law: Exploring the Canadian Legal System* (5th Edition). Toronto: Nelson Canada Limited.

Dickinson, G. & Talos, S. (2004). *Canadian Case Law Studies*. Toronto: McGraw-Hill Ryerson.

Knowles, D. (2001). *Political Philosophy*. Montreal: McGill-Queen's University Press.

Tebbit, M. (2000). *Philosophy of Law*. New York: Routledge.